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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,661	08/07/2003	Roberto Teran, Jr.	FGT 1832 PA	1660
28549	7590	07/13/2006	EXAMINER	
ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			CAVALLARI, DANIEL J	
			ART UNIT	PAPER NUMBER
			2836	

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/604,661

Applicant(s)

TERAN, JR. ET AL.

Examiner

Daniel J. Cavallari

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Continuation of 13. Other: The applicant argues that Slopsema et al. (hereinafter referred to as Slopsema) and Boggs et al. (hereinafter referred to as Boggs) fails to teach a switch coupled to an ignition enabling device and a fuel supply system. The examiner respectfully disagrees and upholds the previously made 103 rejection in the final office action. The examiner points the applicant to the vapor management valve (VMV), which the examiner has taken to read on the applicant's claimed switch. The VMV (described in Boggs in Paragraph 24) and the use of the VMV is further described in Paragraph 37 in which Boggs teaches that the VMV occurs in "stage 2", pictured in Figure 4, after "stage 1" occurs, which is pictured in Figure 2. Stage 1 comprises the step of "tripped by key to off position" as shown in the bottom two lines and explained in the specification in paragraph 38.

The applicant further states that the combination of two 102(e) type references in a 103(a) type rejection is improper. Although the 102(e) rejection was properly made based on the earlier filing dates of Boggs and Slopsema, Both Boggs and Slopsema were published before the filing date of the applicant, therefore also making a rejection under 102(a) also proper, and rendering the applicant's argument moot.

The amendments will not be entered as the presented claims raise new issues that would require a further search. Specifically, the added limitation of claim 4 into claim 1 creates a new line of dependency not previously presented. The added limitation of the switch in view of dependant claim 5 raises a new issue as claim 4 provides a "switch coupled to said ignition-enabling device and a fuel supply system... said engine controller also disabling said fuel supply system upon said ignition-enabling device being switches to said off state" wherein claim 5 states "a switch coupled to said engine controller, said engine controller enabling said switch when said ignition device is in said on state and at least temporarily preventing disablement of said switch when said ignition-enabling device is in said off state." The inclusion of claim 4 into claim 1 presents a new claimed device incorporating the engine controller BOTH disabling said fuel supply system upon the ignition-enabling device being switched on AND preventing disablement of the switch when the ignition-enabling device is in the off state..